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SUPPLEMENTAL TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1942

No. 516

MALCOLM LEBERT PARKER, PETITIONER

vs.

UNITED STATES

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR CERTIORARI FILED OCTOBER 31, 1942
CERTIORARI GRANTED DECEMBER 14, 1942

Supreme Court of the United States

OCTOBER TERM, 1962

No. 516

MALCOLM LEBERT PARKER, PETITIONER

vs.

UNITED STATES

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 13585

UNITED STATES OF AMERICA, PLAINTIFF-APPELLEE

vs.

MALCOLM LEBERT PARKER, DEFENDANT-APPELLANT

APPEAL FROM THE UNITED STATES DISTRICT COURT, FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Honorable Julius J. Hoffman, District Judge

Selective Service System

COVER SHEET

Date of registration 9 May 1955

Date of mailing Questionnaire 16 May 1955

CLASSIFICATION

DATE	CLASS	DATE OF EXPIRATION
OCT 24 1952	1-O	
SEP 24 1956	4-D	
12/9/57	1-A-O	
MAY 1960	4-A	4 April 61

GOVT'S EXHIBIT No.

I certify that this is a true photostatic copy of the Selective Service file of Malcolm Lebert Parker, 11-177-37-3

F. B. WOODWORTH
Lt. Colonel, USAF
Deputy State Director
Selective Service System
19 May 1961

GOVT'S EXHIBIT No.

GOVT'S EXHIBIT B, No.

[fol. 69] GOVT'S' EXHIBIT B, No. 1

LOCAL BOARD NO. 177
Selective Service System
MAY 25 1956
County Court House
Sullivan, Illinois

Form approved
Budget Bureau No. 33-R102.8

SELECTIVE SERVICE SYSTEM

CLASSIFICATION QUESTIONNAIRE

[fol. 70]

Statements in This Questionnaire Are Confidential as Prescribed in the Selective Service Regulations

Fill Out This Form on TYPEWRITER or Print in Ink

STATEMENTS OF THE REGISTRANT

Series I—IDENTIFICATION

INSTRUCTIONS: You are required to complete all entries in this series. Please print.

First Name	Middle Name	Last Name
MARY A.	LEWIS	PAGE

(Other Names Used)

NONE

(Permanent Address)

Number and street or R. F. D. route	(City, town, or village)	(Zone)	(County)	(State)
514 South Main Street	SULLIVAN		MOULTRIE	ILL. No. 5

Draft Board No. (If none, enter "None")	Social Security No. (If none, enter "None")
5237	361-28-1114

Series II—PRESENT MEMBER OF ARMED FORCES, OR RESERVE COMPONENT, OR OFFICER TRAINING PROGRAM

INSTRUCTIONS.—(1) You are required to complete the first part of this series if you are on active duty in the Armed Forces of the United States, the Coast Guard, a cadet or midshipman at an Armed Force academy, a commissioned officer of the Public Health Service or the Coast and Geodetic Survey on active duty, or a midshipman, Merchant Marine Academy. This information will be verified by the branch of service concerned. If none, enter "None".

Branch of Service (Organization)	Service No.	Date of Entry

INSTRUCTIONS.—(2) You are required to complete the second part of this series if you are a member of the federally recognized National Guard or Air National Guard, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve; or if you have been selected for enrollment or continuance in the senior division, Reserve Officer Training Corps, or the Air Reserve Officer Training Corps or the Navy Reserve Officer Training Corps, or the Naval and Marine Corps officer candidate training program or the Reserve officers' candidate program of the Navy, or the platoon leaders' class of the Marine Corps or the officer procurement programs of the Coast Guard and Coast Guard Reserve, or appointed an ensign, United States Naval Reserve, while undergoing professional training; or if you are a fully qualified and accepted aviation cadet applicant. If none, enter "None."

Branch of Service (Army, Navy, Air Force, etc.)	Reserve Component or Program (Show organized unit, category, or unit, National Guard, aviation cadet applicant, ROTC, AROTC, NROTC, etc.)	Service Number (If applicable)	Date of Latest Entry or Date of Selection, Appointment, or Acceptance

Series III—PRIOR MILITARY SERVICE

INSTRUCTIONS.—You are required to complete the items in this series if you have been on active duty as a member of the Armed Forces of the United States, the Coast Guard, the Public Health Service, the Coast and Geodetic Survey or the armed forces of a foreign country. (Use a separate line for each term of service, listing last service first.) If none, enter "None."

1. Branch of Armed Forces or Country	Date of Entry Into Active Service (Month, Day, Year)	Service Number	Date of Separation From Active Service (Month, Day, Year)	Type of Separation (Honorable, General, Dishonorable)

2. Does service shown in Item 1 above include any time spent in the Army Specialized Training Program or any similar program conducted by the Navy, or as a cadet or midshipman in one of the armed service academies or in the Merchant Marine Academy, or on active duty for training only? Yes ☐, No ☐.

3. If your answer to Item 2 above is "Yes" give the name of the program or academy _____ date of entry _____ (Month) (Day) (Year) and date of release _____ (Month) (Day) (Year) from such Service.

Series IV—OFFICIALS DEFERRED BY LAW

1. I am at present the Governor of a State, Territory, or possession, a public official chosen by the voters of an entire State, Territory, or possession, a member of the legislative body of the United States or of a State, Territory, or possession, a judge of a court of record of the United States, or of a State, Territory, or possession or the District of Columbia; my office is _____ (If none, enter "None")

2. My term of office expires _____ (Date)

16-68765-6

[fol. 72]

Series VIII PRESENT OCCUPATION

1. You are required to check each of the following boxes appropriate to your case, to complete all other required entries in this series, and to furnish such added information as required by the local board.

(a) I am now working on a farm, orchard, or ranch. ☐ | If this box is checked, complete Series IX.

(b) I am now working in a nonagricultural occupation. ☒ | If this box is checked, complete this series.

(c) I am now a full time student. ☐ | If this box is checked, complete Series XI.

(d) I am now an apprentice. ☐ | If this box is checked, complete this series.

(e) I now have no employment nor am I a full time student ☐ | If this box is checked, complete Items 7 and 8 of this series.

2. The job I am now working at is (give full title, for example: construction draftsman, turret lathe operator, stationary engineer, farm laborer, prosecuting attorney, physics teacher, policeman, marriage license clerk, etc.):

Mechanic

3. I do the following kind of work in my present job. (Be specific. Give a brief statement of your duties.):

Ready meters for production line

4. In my present occupation, I am (Check one box only)—

(a) A regular or permanent paid employee, working for salary, wages, commission, or other compensation ☒. I have worked 2 years in my present occupation, and I do (do, do not) expect to continue indefinitely in it.

(b) A temporary or occasional employee ☐; I expect that my present job will end about ..... (Date)

(c) An apprentice under a written or oral agreement with my employer, which expires ..... (Date) ☐.

(d) An independent worker, working on my own account, not hired by anyone, and not hiring any help ☐.

(e) Working for my father or for the head of my family, but receiving no pay ☐.

(f) An employer or proprietor hiring ..... (Number) paid workers ☐.

5. My employer is Community Industries (Name of organization or proprietor, not foreman or supervisor; enter "Self" if self employed)

811 South Hamilton (Address of place of employment: Street, or R. F. D. Route, City, and State)

whose business is manufacturing garden tractors (Nature of business, service rendered, or chief product)

6. In my present occupation (complete all items)—

(a) I was employed by present employer on May 28, 1954 (Date)

(b) I entered job described in Items 2 and 3, this series, on Sept 1, 1954 (Date)

(c) I am paid at the rate of $ ..... per hour ☐, day ☒, week ☐, month ☐. (Check appropriate box)

(d) I work an average of 40 hours per week.

7. Other business or work in which I am now engaged is None (Nature of business (if none, enter "None"))

8. Prior work experience None

NOTE.—You may attach to this page a statement giving additional information which you think the local board should consider in determining your classification, which statement will then become a part of this questionnaire. Your employer may submit to the local board any information concerning your employment which he thinks the local board should consider in determining your classification.

16 84760-8

[fol. 75]

Series XV.—CONSCIENTIOUS OBJECTION TO PARTICIPATION IN WAR IN ANY FORM

INSTRUCTIONS.—You should complete this series by signing the statement below, requesting a Special Form for Conscientious Objector (SSS Form No. 150), from the local board, if, by reason of religious training and belief you are conscientiously opposed to participation in war in any form.

BY REASON OF RELIGIOUS TRAINING AND BELIEF I AM CONSCIENTIOUSLY OPPOSED TO PARTICIPATION IN WAR IN ANY FORM AND FOR THIS REASON HEREBY REQUEST THAT THE LOCAL BOARD FURNISH ME A SPECIAL FORM FOR CONSCIENTIOUS OBJECTOR (SSS FORM NO. 150) WHICH I AM TO COMPLETE AND RETURN TO THE LOCAL BOARD FOR ITS CONSIDERATION.

Malcolm Lee Bert Parker
(Signature)

REGISTRANT'S STATEMENT REGARDING CLASSIFICATION

INSTRUCTIONS.—You may, at your option, complete this statement and failure to answer shall not constitute a waiver of claim to deferred or other status. The local board is charged by law to determine your classification on the basis of the facts before it, which will be taken fully into consideration regardless of whether or not this statement is completed.

In view of the facts set forth in this questionnaire it is my opinion that my classification should be Class 1-O

You may attach to this page any additional statement which you believe should be brought to the attention of the local board in determining your classification.

REGISTRANT'S CERTIFICATE

INSTRUCTIONS.—1. You are required to make the registrant's certificate. 2. If you cannot read, the questions and your answers thereto shall be read to you by the person who assists you in completing this questionnaire. 3. If you are unable to sign your name you shall make your mark in the space provided for your signature in the presence of two persons who shall sign as witnesses.

NOTICE.—Imprisonment for not more than five years or a fine of not more than $10,000, or both such fine and imprisonment, is provided by law as a penalty for knowingly making or being a party to the making of any false statement or certificate regarding or bearing upon a classification. (Universal Military Training and Service Act, as amended.)

I, Malcolm Lee Bert Parker certify that I am the registrant named and described in the foregoing statements in this questionnaire; that I have read (or have had read to me) the statements made by and about me, and that each and every such statement is true and complete to the best of my knowledge, information, and belief. The statements made by me in the foregoing are (are, are not) in my own handwriting.

Registrant sign here Malcolm Lee Bert Parker
Malcolm Lee Bert Parker
(Signature or mark of registrant)

(Signature of witness to mark of registrant)

(Signature of witness to mark of registrant)

Date

If another person has assisted you in completing this questionnaire, such person shall sign the following statement:

I have assisted the registrant herein named in preparation of this questionnaire because
(For example—registrant unable to read and write English, etc.)

Date

(Signature of person who has assisted)

[fol. 76]

(Registrants Will Make No Entries on This Page)

Dates	Minutes of Actions by Local Board and Appeal Board and on Appeal to the President	Vote Yes	No
OCT 3 1956	1A0 JW McL Ltr. H.L.B. ltr. from 50.		
OCT 25 1956	SSS FORM NO. 110 MAILED Notice of Induction		
NOV 8 1956	Request for Personal Appearance. (Registered letter No: 609401)		
NOV 4 1956	Mailed letter of acknowledgement for Personal Appearance.		
SEP 18 1956	Mailed letter to [illegible] for personal appearance on 9-21-56		
	Registrant appeared on this date for personal appearance.		
SEP 21 1956	1A0 (WM) Ltr. H.L.B. mail		
SEP 26 1956	SSS FORM NO 110 MAILED Notice of Classification.		
OCT 1956	Request for State Appeal		
OCT 5 1956	Mailed PM-1417, Notice of Action on Request for Appeal. Re: received & allowed		
OCT 10 1956	PM- 1417 Mailed, Notice of Action on Request for Appeal. Re: date of file sent to Appeal Board		
OCT 10 1956	Mailed cover-sheet and file to Appeal Board Eastern Federal Judicial District.		
FEB 15 1957	Advisory recommendation requested by the appeal board from Department of Justice as to whether or not the registrant is entitled to be sustained in his claim that he is a conscientious objector, in accordance with Section 1626.25(a) Selective Service Regulations.		
12-18-57	Complete File and cover sheet returned from appeal board.		
12-18-57	Classified 1-A-O by appeal board. SSS Form No. 110 mailed.	3	0
DEC 4 1958	[illegible]		
NOV 10 1959	ILL SSS FORM 12-R MAILED		
DEC 17 1959	SSS FORM NO 223 MAILED (Order to Report for A.F. Physical Examination)		
1/21/60	Original & 3 copies DD Form 47 forwarded to a.f. examining station, Chicago, Ill.		
2/16/60	DD Form 62 (copy) mailed to registrant.		
MAY 11 1960	Registrant [illegible] A.F.E.S. Chicago, Ill.	3	0
MAY 12 1960	SSS FORM NO 110 MAILED		
6/2/60	Cover Sheet & Contents forwarded to Col. Woodworth for review.		
6/9/60	Cover Sheet & Contents received from Col. Woodworth.		
JUN 27 1960	SSS FORM NO. 127 MAILED		
	SSS Form 252 (Order to Report for Induction) mailed.		
8/11/60	PM-168 (Personal Message to Every Selectee) mailed.		

(8)

[fol. 77]

SELECTIVE SERVICE SYSTEM CLASSIFICATION QUESTIONNAIRE
MINUTES OF ACTION CONTINUED

SELECTIVE SERVICE NO.
11 177 37 39

PARKER, Malcolm Lebert

Date	Minutes of Actions by Local Board, Appeal Board, and on Appeal to the President	Vote: Yes	No
9/8/60	Orig. & 3 copies DD Form 47 dated Jan. 27, 1960; Orig. & 3 copies DD Form 47 (Med.); Orig. & 3 copies SF 88; Orig. of SF 89; Orig. of CGHNS-46 dated 1/27/60; Orig. of x-ray all dated 1/27/60 forwarded to Armed Forces Induction Station, pursuant to St. Memorandum 1-60. Original of DD Form 62 and DD Form 47 also forwarded this date.		
	All papers received back from induction station with letter stating registrant 4/20/61 refused to submit to induction.		
4/29/61	Cover sheet & contents fwd'd to Col. Woodworth, Ill. St. Hdq. for review & determination pursuant to L-M No. 14, paragraph 9.		
10/18/60	Original & 1 copy of SSS Form No. 301 (Delinquent Registrant Report) mailed to Hon. Clifford M. Raemer, U. S. Attorney, E. St. Louis, Ill.		
10/18/60	Cover Sheet & Contents; Registration Card (SSS#1) forwarded to Col. Woodworth, Ill. St. Hdq., for transmittal to U. S. Attorney.		

SSS Form No. [illegible] (9)

77

[fol. 78] GOVT'S. EXHIBIT B, No. 2

Government's Exhibit B, No 2

LOCAL BOARD NO. 177
Selective Service System
26 1955
County Court House
Sullivan, Illinois

SELECTIVE SERVICE SYSTEM

Form approved
Bureau of the Budget No. 33-R-1142.

SPECIAL FORM FOR CONSCIENTIOUS OBJECTOR

Selective Service No. 11 177 37 39

Date of mailing 16 May 1955
Date received back at local board

LOCAL BOARD NO. 177
SELECTIVE SERVICE SYSTEM
COUNTY COURT HOUSE
SULLIVAN, ILLINOIS
(Local Board No. — Area)

Name PARKER Malcolm Lebert
(Last) (First) (Middle)

Address 904 So. Main St.
(Number of street, rural route, or post office)

Sullivan Moultrie Co. Illinois
(City or town) (County) (State)

This form must be returned on or before 26 May 1955 (Return with Questionaire)

INSTRUCTIONS

A registrant who claims to be a conscientious objector shall offer information in substantiation of his claim on this special form, which when filed shall become a part of his Classification Questionnaire (SSS Form No. 100).

The questions in Series II through V in this form are intended to obtain evidence of the genuineness of the claim made in Series I, and the answers given by the registrant shall be for the information of only the officials duly authorized under the regulations to examine them.

In the case of any registrant who claims to be a conscientious objector, the local board shall proceed in the prescribed manner to determine his proper classification. The procedure for appeal from a decision of the local board on a claim of conscientious objection is provided for in the Selective Service Regulations.

Failure by the registrant to file this special form on or before the date indicated above may be regarded as a waiver by the registrant of his claim as a conscientious objector, *Provided*, that the local board, in its discretion, and for good cause shown by the registrant, may grant a reasonable extension of time for filing this special form.

Series I. CLAIM FOR EXEMPTION

INSTRUCTIONS.—The registrant must sign his name to either statement A or statement B in this series but not to both of them. The registrant should strike out the statement in this series which he does not sign.

(A) I am, by reason of my religious training and belief, conscientiously opposed to participation in war in any form. I, therefore, claim exemption from combatant training and service in the Armed Forces.

(Signature of registrant)

(B) I am, by reason of my religious training and belief, conscientiously opposed to participation in war in any form and I am further conscientiously opposed to participation in noncombatant training and service in the Armed Forces. I therefore, claim exemption from both combatant and noncombatant training and service in the Armed Forces.

Malcolm Lebert Parker
(Signature of registrant)

Under the provisions of section 6 (j) of the Universal Military Training and Service Act, as amended, any person who claims exemption from combatant training and service in the Armed Forces of the United States because he is, by reason of religious training and belief, conscientiously opposed to participation in war in any form and such claim is sustained by the local board, shall, if he is inducted into the Armed Forces, be assigned to noncombatant service as defined by the President, or shall if found to be conscientiously opposed to participation in such noncombatant service, in lieu of induction, be ordered by his local board, subject to regulations prescribed by the President, to perform for a period of twenty-four consecutive months such civilian work contributing to the maintenance of the national health, safety, or interest as the local board deems appropriate; and any such person who fails or neglects to obey such order of the local board shall be subject to imprisonment for not more than five years or a fine of not more than $10,000, or to both such fine and imprisonment.

Series II.—RELIGIOUS TRAINING AND BELIEFS

INSTRUCTIONS.—Every question in this series must be fully answered. If more space is necessary, attach extra sheets of paper to this page.

1. Do you believe in a Supreme Being? Yes ☒ No ☐

2. Describe the nature of your belief which is the basis of your claim made in Series I above. State whether or not your belief in a Supreme Being involves duties which to you are superior to those arising from any human rela-

SSS Form No. 150 (Revised 1-23-52) This revision supersedes all previous issues. (1)

78.

[fol. 79]

3. Explain how you became a member of the Communist Party, stating the circumstances under which you joined and which is the basis of your membership.

I was [illegible] JAMES [illegible] CANTON ST.
AND FROM [illegible] MEMBER

4. Give the name and present address of the person who first introduced you to the Communist Party.

LEON HORSHMAN
SOUTH HAMILTON, [illegible]

5. State what circumstances if any [illegible] the Communist Party.

I believe in making force [illegible] and
will help in it

6. Describe the activities and [illegible] which indicate the sincerity and depth of your religious convictions.

I do not believe in [illegible] or voting for candidates or taking part in anything that has to do with politics.
I don't believe in lodges filled with unbelievers
I try to do good to my enemies

7. Have you ever given public expression, written or oral, to the views herein expressed as the basis for your claim made in Item 1 above? If so, specify when and where.

None except in public services of our church

Section III.—GENERAL BACKGROUND

INSTRUCTIONS.—Every question in this series must be fully answered. If more space is necessary, attach extra sheets of paper to this page.

1. Give the name and address of each school and college which you have attended, together with the dates of your attendance, and state in each instance the type of school (church, military, commercial, etc.).

Name of School	Type of School	Location of School	Dates of Attendance From	To
Lowe School	Public School	Sullivan, Ill	1948	1952
Bowman School	Junior High	Graham	1949	1951
Sullivan Schools	High School	Sullivan, Ill.	1952	1955
			19	19

2. Give a chronological list of all occupations, positions, jobs, or types of work, other than as a student in school or college, in which you have at any time been engaged, whether for monetary compensation or not, giving the facts indicated below, with regard to each position or job held, or type of work in which engaged.

Type of Work	Name of Employer	Address of Employer	Dates Worked From	To
Store Clerk	Community Industries	Sullivan, Ill	1952	1954
Garage Mechanic	Community Industries	Sullivan, Ill	1954	1955
			19	19
			19	19
			19	19
			19	19

11

[fol. 80]

4. Give all addresses and dates of residence where you have formerly lived.

Name of City, Town, or Village	State or Foreign Country	Street Address or R. F. D. Route	Dates of Residence From	Dates of Residence To
Sullivan	Ill.	S. of Main	19 37	19 53
Sullivan	Ill.	S. of Main	19 52	19 55
			19	19
			19	19
			19	19
			19	19

5. Give the name and address of your parents and indicate whether they are living or not.
Mother, Opal Father they are living

6. (a) Are you a member of the Church of Jesus Christ of Latter-day Saints? (b) State the reason for your claim. Church of Jesus Christ on Hamilton
Church of Jesus Christ on Hamilton

Series IV — PARTICIPATION IN ORGANIZATIONS

INSTRUCTIONS — Questions 1, 2, and 3 in this series must be fully answered. If more space is necessary, attach extra sheets of paper to this page.

1. Have you ever been a member of any military organization or establishment? If so, state the name and address of same and [illegible] reason for becoming a member.

No

2. Are you a member of a religious sect or organization? Yes If your answer to question [illegible] answer questions (a) through (f).

(a) State the name of the sect, and the name and location of its governing body or head if known to you.
Church of Jesus Christ on Hamilton
Sullivan, Ill.

(b) When, where, and how did you become a member of said sect or organization?
I was raised in the church and accepted the teachings

(c) State the name and location of the church, congregation, or meeting where you customarily attend.
Church of Jesus Christ on South Hamilton
Sullivan, Ill.

(d) Give the name, title, and present address of the pastor or leader of such church, congregation, or meeting.
Leah Hardman
South Hamilton, Sullivan, Ill.

(e) Describe carefully the creed or official statements of said religious sect or organization in relation to participation in war.
Return good for evil.
To love thy enemies and try to do them good.
To be married with solemnity

3. Describe your relationships with and activities in all organizations with which you are or have been affiliated, other than military, political, or labor organizations.
I am not a member of any organizations other than the church.

[fol. 81]

Series V.—REFERENCES

Give here the names and other information indicated concerning persons who could supply information as to the sincerity of your professed conscientious opposition to participation in war

NAME	FULL ADDRESS	OCCUPATION OR POSITION	RELATIONSHIP TO YOU
Albert Paul	S. Mason, Lillyan, Ill	Community Leader	None
Don Van Mark	S. Mapella, Lillyan, Ill.	Community Leader	None
Paul Goodman	S. Hamilton, Lillyan, Ill	Community Leader	None
Donald Ring	Elem Lillyan, Ill.	Community Leader	Cousin

REGISTRANT'S CERTIFICATE

INSTRUCTIONS.—1. Every registrant claiming to be a conscientious objector shall make this certificate. 2. If the registrant cannot read, the questions and his answers thereto shall be read to him by the person who assists him in completing this questionnaire. 3. If the registrant is unable to sign his name he shall make his mark in the space provided for his signature in the presence of two persons who shall sign as witnesses.

NOTICE.—Imprisonment for not more than five years or a fine of not more than $10,000, or both such fine and imprisonment, is provided by law as a penalty for knowingly making or being a party to the making of any false statement or certificate regarding or bearing upon a classification. (Universal Military Training and Service Act, as amended).

I, Malcolm Lobert Parker, certify that I am the registrant named and described in the foregoing statements in this questionnaire; that I have read (or have had read to me) the statements made by and about me, and that each and every such statement is true and complete to the best of my knowledge, information, and belief. The statements made by me in the foregoing are in my own handwriting.

Registrant sign here M Malcolm Lobert Parker
(Signature or mark of registrant)

(Signature of witness to mark of registrant)

(Signature of witness to mark of registrant)

If another person has assisted the registrant in completing this questionnaire, such person shall sign the following statement:

I have assisted the registrant herein named in preparation of this questionnaire because

(For example, registrant unable to read and write English, etc.)

(Signature of person who has assisted)

(Occupation of person who has assisted)

(Address of person who has assisted)

[fol. 82] Our church belongs to the Fundamentalist group and we share most of the basic doctrines of this group.

We differ in these regards: we have no outward ordinances such as baptism or the Lord's Supper. We are taught to take no kind of oath, nor legal affirmation; we believe in non-retaliation against evil but are taught to overcome evil with good.

We believe that to love God, our brother and our fellow-man, even our enemies, fulfills the laws of God and of Christ.

This law of love we are most conscientiously bound by the teachings of Christ to obey. In any conflict which may occur between obedience to the law of love and the demands of other laws to which we may be subjected we feel that we must choose obedience to the law of love.

LOCAL BOARD NO. 177
Selective Service System
May 26, 1955
County Court House
Sullivan, Illinois

[fol. 83] GOVT'S EXHIBIT B. No. 2

GOVT'S EXHIBIT
B No 2

Yes, I believe in a Supreme Being. I believe that I must live my life in complete accordance to the Bible, my conscience, and my understanding of belief. In regard to participation in war we are commanded to love your enemies and do them good also the Bible tells us to Return Good for Evil. I do not believe I can fight against my enemies and do them good.

I could not in clear conscience become a member of non-combatant status in the Army I fail to connect myself in any way to an organization whose main purpose is fighting would be contrary to Gods commands of non retaliation and to Christ's example for us

LOCAL BOARD NO. 177
Selective Service System

MAY 26 1955

County Court House
Sullivan, Illinois

[fol. 84] GOVT'S EXHIBIT B, No. 5

5

GOVT'S EXHIBIT
B No 5

8.4 South Main Street
Sullivan, Illinois
November 13, 1955

Local Board No 177
Selective Service System
County Court House
Sullivan, Illinois

LOCAL BOARD NO. 177
Selective Service System
NOV 14 1955
County Court House
Sullivan, Illinois

Dear Sirs:

In a letter I received from you on November 4, 1955 you said if I had any new evidence to send it to the local board.

First I would like to make it clear that I will accept 1-O classification and do the work set up in the program for conscientious objectors. I can not accept any other classification on account of my religious beliefs. I would like to discuss why I can not be in the armed forces or do Non-combatant work also I would like to discuss a situation that has arisen in the Justice Department.

Yours Truly,
Malcolm Parker
Selective Service
No 11-177-37-39

{fol. 85} GOVT'S EXHIBIT B, NO. 6

Sullivan, Ill.
Dec. 15, 1955

Selective Service System
Local Draft Board 177
Sullivan, Illinois

Gentlemen:

Malcolm Parker is a member of the Church of Jesus Christ of which I am pastor. His standing as a member is excellent since his life is consistent with the teaching he has received in every way.

/s/ Leah L. Harshman
LEAH L. HARSHMAN, Pastor
Church of Jesus Christ
Sullivan, Illinois

LOCAL BOARD NO. 177
Selective Service System
January 13, 1956
County Court House
Sullivan, Illinois

[fol. 86] GOVT'S EXHIBIT B, No. 7

PARKER, Malcolm Lebert
SSS No. 11-177-37-39

Appeal Board
Selective Service System
523 Plymouth Court
Chicago 5, Illinois

Gentlemen:

The history of the Church of Jesus Christ in Sullivan herewith submitted and the account of our doctrines as taught by my father S. R. Harshman is a true and faithful relation compiled by myself Leah L. Harshman pastor of the church.

The sources of the information herein contained are as stated in the Summary: i.e. the three books, "Sermons on Familiar Subjects"; "Christian Citizenship"; and "Commentary on Romans" published by my father between the years 1896 and 1902 in the order given: and articles published in a local weekly newspaper. The data concerning my father's early life is based on his Memoirs published after his death in 1913.

The articles appearing in the Sullivan Progress in the issues of June 6, 1918 and September 28th, 1918, (the latter republished from the Decatur Herald) from which I quote in Exhibit B are in my possession and can be found in the Progress files of those dates.

I am including also in Exhibit C copies of data relative to the draft of members of our church into the C.P.S. Camps during World War II and proof of our support given the Peace Churches in maintaining those camps.

The doctrines set forth in the papers submitted herewith are faithfully taught and faithfully practised by the members of our church. Any disobedience to these teachings unless repented of would result in the removal of the guilty person from our fellowship.

I solemnly declare that all statements, relations, and accounts herewith submitted are true.

LEAH L. HARSHMAN

LOCAL BOARD NO. 177
Selective Service System
January 27, 1956
County Court House
Sullivan, Illinois

[fol. 87] Since our rejection of a 1AO classification has been called to question by the hearing officer L. T. Allen, Jr. we are adding further information explaining in full our objections to acceptance of that classification.

The basic reason is the same as the basic reason for rejection of combatant service. This is Christ's teaching of the law of love as the ruling law in the life of his followers as already set forth in material already on file.

"Love worketh no ill to his neighbor therefore love is the fulfilling of the law." (Rom. 13:10)

"For this, Thou shalt not commit adultery, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet, and if there be any other commandment it is briefly comprehended in this statement, "Thou shalt love thy neighbor as thyself." (Rom. 9:11)

This is the higher law to which Christ has added his command that we love our enemies. Fortunately a person who wishes to obey the law of love as a rule finds no hindrance to this obedience in the laws of the land.

But it is possible by assumption of a joint responsibility with others to make ourselves in part responsible for the acts of others. This we can do by willingly or voluntarily joining as a member thereof any organization, society or company, or uniting ourselves with any individuals who do not accept the law of love as the law regulating their responsibility toward others and their acts toward others.

For this reason we do not accept or exercise any of the powers and privileges of citizenship. We do acknowledge the right of the government to tax us and to expect of us obedience to the law of the land. The only exception to the duty to obey the law of the land is cases where obedience to the government's demands means disobedience to the command of God. But we do not vote or hold office since by so doing we would make ourselves in part responsible for the acts of others which we cannot control.

The teaching of the New Testament on this point is most concisely and clearly set forth by the Apostle Paul in 2 Cor. 6:14-18:

"Be not unequally yoked together with unbelievers, for what fellowship hath righteousness with unrighteousness,

or what communion hath light with darkness? And what concord hath Christ with Belial? Or what part hath he that believeth with an infidel? And what agreement hath the temple of God with idols? For ye are the temple of the living God: As God hath said, I will dwell in them [fol. 88] and walk in them and I will be their God and they shall be my people.'

"Wherefore come out from among them and be ye separate, saith the Lord and touch not the unclean; and I will receive you and will be a Father to you, and ye shall be my sons and daughters, saith the Lord God Almighty."

Since obedience to this command is made the condition of our acceptance as the children of God such obedience is to us a matter of first importance.

For this reason in addition to refusing the privileges of citizenship we do not belong to any secret societies, or business association of any kind: We do not own stock in any corporation: We do not belong to any religious organization beside the church: We will not join a labor union.

We believe that to accept membership in any of these organizations would be to disobey the command cited above and by that act to forfeit our acceptance and fellowship with God.

For this reason in addition to those given in material already submitted we could not conscientiously accept any classification as a member of the Army.

In our view there is no comparison from a scriptural point of view between doing government work in our factory and being a member of the Army in non-combatant service.

It is not in either case the work we do that makes the difference. It is the fact that by accepting a place in the Army we thereby become a part of it and by that act we accept a measure of moral responsibility for all that is done by that organization.

In proof that I am not straining a point in making the above statement I cite a letter which was published in "The Reporter" a paper published by the National Service

Board for Religious Objectors. It appears in the issue of November-December 1951 Volume VIII, Number 7.

The Article is headed "Notes on the Chaplaincy, Commissioned Officers, and Conscientious Objection" and contains quotes from "communications from the Navy and Air Force" as follows:

"I feel it only fair to advise you that Navy Regulations prohibit the appointment of an officer who is or ever has been a conscientious objector. "*Although a chaplain does not bear arms*, he is nevertheless considered a part of a combat outfit which is fighting for freedom and victory. To ignore this fact would encourage maladjustment and unhappiness were such a chaplain given a commission in the military service.

"We believe that every chaplain should understand that although he does not personally bear weapons, he is still part of a combat team which is fighting for victory in armed conflict."

[fol. 89] In like manner and for like reasons we believe that those who enter non-combatant service are still part of a combat team which is fighting — in armed conflict, although they themselves are not allowed to bear arms.

As we said in the beginning the reason for our refusal to accept non-combatant service is basically the same as our refusal to accept combatant service. It is because we accept it as a binding obligation to obey in all things Christ's Law of Love and to avoid any moral responsibility for those acts which to us seem contrary to that Law.

I am adding to citations from "Christian Citizenship and Other Sermons" already submitted the following passages from the sermon on "Unholy Fellowship" contained therein. These are not submitted in proof of the fact that the teachings which I have set forth above have been present in the Church of Jesus Christ in this place for the past fifty years.

The community in this place can bear witness also that these doctrines have been faithfully obeyed during this period of time.

LEAH L. HARSHMAN Pastor

LOCAL BOARD NO. 177
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[fol. 90]

Citations from Sermon on Unholy Fellowship
contained in
Christian Citizenship and Other Sermons

Be ye not unequally yoked together with unbelievers; for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness? and what concord hath Christ with Belial? or what part hath he that believeth with an infidel? and what agreement hath the temple of God with idols? II Cor. iv: 14-16

A little leaven leaveneth the whole lump. Gal.v:9

In that short creed, called the Apostles' Creed, which is said to be the most ancient of creeds, we are taught to say, "I believe in the communion of saints." This is equivalent to saying "the fellowship of saints," as the two words are synonymous. In fact the Greek word usually translated "fellowship" (koinonia), is in the passage quoted above translated "communion." "And what communion hath light with darkness." The word there translated "fellowship" is "metoche," which is a synonym of the other, and may be used interchangeably with it. Fellowship means partnership, comradeship, alliance, association. It exists only among equals. There is no danger of saints having spiritual fellowship with sinners. The danger is in an outward yoking together, which may corrupt the child of God, so that he may be dragged down from his high estate and become earthly minded and sensual again. It is against this danger that God would guard his people, and hence the injunction of the text. I repeat it that I may not be misunderstood, it is not against spiritual fellowship with unbelievers that we are here warned, for that is impossible, and so declared to be; but against an outward yoking together with unsaved persons. In discussing the question of unholy fellowship, the inquiry will be directed toward outward fellowship, or the unequal yoking of the believer with the unbeliever. The subject will be considered under three heads; the nature of such unequal yoking, the danger of it, and the means of avoiding it.

The first yoking that I will speak of is a partnership in business. It seems to me that a saint and a sinner would be unequally yoked together in a business venture. Unless the Christian had such a preponderance of interest in the partnership as to give him complete control, he would be compelled to be answerable for the conduct of his partner, and we are forbidden to be partaker of other men's sins. Many things are thought to be proper and admissible in business transactions by worldly men, that Christians cannot do with good consciences. The worldly standard of honesty and probity is quite different from the Gospel standard. So if we suppose that the unbeliever is honest in the accepted sense, still his conduct will not square with Gospel rule, and so the Christian in partnership with him would be responsible for conduct which he could not justify. Besides, the effect of such association is liable to be demoralizing to him. "Evil communications corrupt good manners." But if the unbelieving partner should not be strictly honest in the worldly sense, the matter is still worse. I might as well steal as to share the profits of another's theft. Competition in business is at the present time so severe, that many men think strict honesty to be impracticable. They would like to be honest if they could afford it. But because others will not be honest, they think they cannot be. They are like the London tradesman who excused himself to Dr. Samuel Johnson for dealing in smuggled goods. You know, sir, said he, that I must live. Dr. Johnson replied that he did not know about that, but he knew that he must die. Many men are so anxious about the means of procuring a livelihood, that they forget that they must die. The Christian feels that whether he lives or dies he must be honest. To him there is no possible excuse for dishonesty or double-dealing. Hence he will avoid the difficulties which will necessarily arise from partnership with an unbeliever, by keeping out of such unequal yoking. All men are, strictly [fol. 91] speaking, unbelievers, who have not saving faith in Christ. A mere profession of Christianity counts for nothing. The truly awakened sinner has much more faith than any worldly professor or Christianity has. A truly awakened person seeking Christ, is, in a qualified sense, a

believer, and would be counted with believers rather than with unbelievers.

Another way in which believers and unbelievers may be unequally yoked is in the marriage relation. This is called the conjugal state, which means a state which two persons are yoked together. In the marriage state a sinner and a saint would indisputably be unequally yoked together. This is more dangerous than mere partnership in business, as the relation of the participants is so much more intimate, and the union so much more difficult to break; in fact it is indissoluble except by death or unfaithfulness to the marriage vows. It would seem that the impropriety and danger of such an unequal union are so apparent that it would not be necessary to do more than to mention the matter to convince anyone of it. There can be so little in common between a soul seeking God and delighting itself in Him, and one who loves the world and desires the things of the world, that there would seem to be no danger of such mesalliance. But observation shows that the danger exists, and that God's people need to be warned against it.

There are many other yokings with sinners which might be specified, but it is not perhaps necessary to consume space to do it, and I will come to the matter to which the Apostle has especial reference in the text.

Many persons when reached by the Gospel are found in oathbound secret societies. I have nothing to say of such fraternities for worldly men and women. I do not suppose that they are any worse than other institutions of this world. I cannot see or feel the propriety of a crusade against these societies from a worldly standpoint. But they are an unfit place for a child of God, since in them he is unequally yoked with sinners. Remaining in them he is unavoidably made responsible for other men's sins. He is where God forbids him to be. There are moral reform movements with which the Christian cannot cooperate. In fact there are none with which he can consistently do so; for they attempt to yoke saints and sinners together for reform work.

As a Christian is responsible to God for the means placed in his hands, he cannot consistently place his money in any association or corporation where it is out of his control, no matter how convenient or profitable it may seem to be. "Be not partaker of other men's sins; keep thyself pure", is as pertinent advice to each Christian as it was to Timothy. The first essential thing to the preservation of a pure fellowship is the recognition of no bond of union except a spiritual one. Any fleshly bond of union, however slight, will prove a snare to the church.

If men and women will thus come out from the ungodly and separate themselves from sinners and refuse to touch the unclean, God promises to be their Father, and that they shall be His sons and daughters. As such they are the children of His love in a peculiar sense; their interests are especially dear to Him; he that toucheth them, toucheth the apple of His eye. He will avenge them upon their enemies. He will regard them with a solicitude so tender and true that it is beyond our comprehension. The mother may forget her suckling child that she could not have compassion on it, but God cannot forget His people. They are graven on the palms of His hands; the hairs of their heads are all numbered; and God shall supply all their needs according to His riches in glory. May God enable His people to purge themselves from all the vessels of dishonor, that they may be vessels unto honor sanctified and meet for the Master's use, and prepared unto every good work.

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[fol. 92] CONTENTS OF FILE NO. 1

1. History of the Church in Sullivan
2. Exhibit "A"—Excerpts from the writings of S. R. Harshman
   1. Sermons on Familiar Subjects
   2. Christian Citizenship
   3. Commentary on Romans
3. Exhibit "B"—Excerpts from local newspapers
   1. The Sullivan Progress
   2. The Decatur Herald
4. Exhibit "C"—Copies of Financial Statements and other material proving participation in National Service Board C.P.S. Camps during World War II.

[fol. 93]

HISTORY OF THE CHURCH OF JESUS CHRIST SULLIVAN, ILLINOIS

Our church in Sullivan, generally known locally as the "Harshmanite" church, was established here during the 1870's by Rev. S. R. Harshman, my father.

He had been a member of the Illinois Methodist Conference since the year 1864 acting as a supply or junior preacher while attending Illinois College in Jacksonville, Illinois. Later he was given a pastorate in Jacksonville where he acted as pastor of a recently created church. While pastor he built the Brooklyn Methodist Church still standing in that city.

It was during this pastorate that he became a member of a small group of people, mostly Methodists, who met every Tuesday afternoon for what they called a "Holiness meeting". He was a regular attendant at these meetings and many members of the group became members of his congregation. This led to his church being called a "Holiness" church.

His devotion to this Wesleyan doctrine of holiness of heart and life and his enthusiastic insistence upon it finally caused him to separate himself from the Methodist Conference and become an evangelist. Seeing the displeasure of his superiors with his course he did not make application for his final ordination.

See Par 11, Exhibit B

Free of ecclesiastical domination he was at liberty to formulate his teachings according to his understanding of Christ's gospel as set forth in the New Testament. Having thus set his course he faithfully taught the truth as he saw it in Christ Jesus throughout his life. He met with the persecution that usually follows such a course but was able to gather about him a group of people who shared his zeal for the truth and its full application to their lives.

See Par 1 & 5, Exhibit A

We were taught and have continued to teach that our first duty is obedience to God and Christ: that the present

system of government of earth are ordained of God and that we owe the government under which we live respect and all possible obedience. If any conflict between the commands of Christ and the laws duly authorized by the government should arise we must unhesitatingly obey the law of Christ. The consequences of such a choice must be accepted with meekness.

See Par 6, Exhibit A

We were taught that we must not take any oath or any substitute for an oath: that a simple statement of fact is commanded since more than this "cometh of evil", as Christ taught.

We were taught that the law given his followers by Christ forbids retaliation against evil which the law of Moses formerly allowed.

If any smite us on one cheek we should turn the other: if any man sued us at the law and was able to take our [fol. 94] coat we should give him our cloak also: if compelled to go a mile we should freely go a second mile. That is we should give any evidence necessary to demonstrate our freedom from resentment of injury. Christ gives us a surpassing example of this spirit when while exposed on the cross to the hatred and contempt of the multitude he prayed, "Father, forgive them; they know not what they do."

See Par 8, Exhibit A

Finally, we were taught and have continued to teach, that we should love our enemies and pray for them that despitefully use us and persecute us. For what reason? That we "may be the children of our Father which is in Heaven," for "He maketh his sun to rise on the evil and the good and sendeth rain on the just and the unjust."

See Par 9, Exhibit A

Obedience to these and all other commands of Christ we were taught and have continued to teach is the Christian warfare. This warfare is not against flesh and blood but against spiritualities and against powers, against wicked spirits, against the rulers of the darkness of this world.

See Par 10, Exhibit A

The weapons of this warfare are not carnal weapons such as man uses against man but the sword of the Spirit which is the word of God; which is "mighty through God to the pulling down of strongholds; casting down imaginations and every high thing that exalteth itself against the knowledge of God".

History records one such warfare which raged for 280 years. History also records the victory that finally came after thousand of lives were sacrificed in the struggle in which every weapon of torture and agonizing death was used against the obedient followers of Christ.

The scripture also records in the Revelation of John the warfare and its victory. "And they overcame him by the blood of the Lamb and by the word of their testimony and they loved not their lives unto the death." Revelation 12:11

For it was Satan himself, as the Great Red Dragon, who ruled in pagan Rome in the person of the persecuting Caesars. These rulers claimed to be divine and demanded the worship of their subjects including the Christians. The refusal of the Christians to give this worship brought on the long struggle in which it was established that Christ indeed has "all power in heaven and in earth." For through the faith, the testimony and the willingness of His followers to die for their obedience to His word Christ's power over His enemies was demonstrated. Roman paganism was cast down from its place of power.

In this way Christendom came into being. During the ensuing centuries of the Middle Ages the liberty gained in this costly victory was gradually surrendered to the encroaching power of church and state under the Roman Papal Rule. Again freedom of consciences was denied to men and the law of Christ was hidden under a weight of rules and ordinances made by man.

The Reformation of the 15th century broke the Papal bonds and once again men could hope to worship God according to the word of God as they understood it. This hope was not realized fully for the Protestant churches [fol. 95] that came into being after the victory were State churches, supported by taxes and governed by state

laws. No man could preach the gospel or even read scripture in public unless licensed to do so by the State. This laid the foundation for the persecution of dissenters from the State church by the State itself. Such persecution soon followed the establishment of the State churches.

In the year 1751 my father's paternal ancestor with two brothers emigrated from Bavaria to this country to find freedom of conscience and liberty to worship God according to their consciences. They first located in Lancaster County, Pennsylvania with their wives and children. Later my father's great-grandfather removed to Maryland and his descendants later made their homes in Ohio. The original brothers were of the religious group called Dunkers. In the intervening years this fact was lost sight of and we did not learn of it until after my father's death when the discovery was made by a writer of the family history.

Many other such religious refugees came to this land both in the seventeenth and eighteenth centuries. Due to the large proportion of such emigrants in the early days of the American Colonies religious liberty was much prized. So much so that a guarantee of such liberty was written into the Constitution of the United States of America. The freedom to worship God according to one's conscience.

See Par 12, Exhibit B

Up to the time of World War I the church in this place had opportunities to suffer for their faith. These opportunities for the most part were related to minor threats of financial loss. One one occasion the threat of violent death came close to accomplishment. But no reprisal was attempted and punishment meted out to the would-be-murderer.

See Par 13, Exhibit B

With World War I and the first enactment of military conscription a great effort was made to force the members of the church here to give obedience to the demands of the law rather than to the demands of con-

science. The only alternative to active military service was non-combatant service. This was specifically allowed only to the Quakers. Other faiths were given the opportunity of proving their right to such a status.

Our situation was complicated by the inability of our people to take either the affirmation or the oath. Unless one could take either the oath or the affirmation classification in Class I-A immediately followed submission of the returned questionnaire. Due to this our men were being put in Class I-A. as rapidly as their questionnaires returned.

Two of our boys were inducted into service. One, who weakened under pressure, took the affirmation to his questionnaire and was given non-combatant service. Under the constant pressure from his chaplain and officers who continually argued with him against his stand he became insane and has remained so ever since. The second young man was sent to camp and obeyed as far as he [fol. 96] could the authority of those over him. He refused to use a gun in any way. He died of the flu enroute to the front in France about two weeks before the Armistice was signed. When November 11th came a young married man with four children had received his order to appear for induction and several others in similar situations had been classified in I-A.

During the six months in the year 1918 following the induction of two of our men and previous to the Armistice all members of our church who were employed by people in the town were relieved of their jobs. All who were in business were thoroughly boycotted. It could be seen that if the war continued long our very existence would be threatened. Efforts were made to cause imprisonment of our people on trumped up charges, threats of mob violence were freely made and individual personal assaults were made. Through it all we held firmly to our obedience to the commands of Christ.

Following this war which had advertised our belief thoroughly we endured for several years continual breaking and entering of our homes by thieves who knew that we would not prosecute such violence against our property. However when the Lord saw fit to end this abuse

he did so very completely and very effectively without any action whatever on our part.

When we saw World War II approaching we felt the need of a means of livelihood dependent upon an area beyond that immediately surrounding us. We had started a small manufacturing enterprise in 1932 to give employment during the depression. We enlarged these operations in 1937 and in 1940 built a factory building and purchased new machinery for volume production. When the war came in 1941 we were not yet established in volume production and consequently we had no allotment of raw materials. In this crisis we decided that government business would be necessary in order to give employment and full production. So it came about that the most of our production during World War II was on government work. We felt that we could do such work in all good conscience. From a business point of view we would have preferred to build up our own business in civilian lines.

Right here I wish to point out that we are not political pacifists. We do not feel that it is our mission to change existing governments. We do not try to abolish war. Christ said; "If my kingdom were of this world, then would my servants fight that I should not be delivered to the Jews; but now is my kingdom not from hence."

Our warfare is a spiritual warfare to the end that the kingdom of Christ may be maintained on the earth. Governments as now constituted are maintained and administered by physical force. War is a necessary means of their existence and defense. This we recognize. We cannot participate in such governments nor take part in any way in the hatred and violence and slaughter which is war. We find it impossible to love our enemies and at the same time go about to kill them.

[fol. 97] In regard to engaging in war production it seemed to us to resolve itself into a question as to our moral responsibility for the end use of any article produced by our labor in war or peace. Life for the Christian would be very complicated indeed if he could produce and sell nothing that could be used for an evil purpose by anyone who bought it. That is a responsibility impossible for

anyone to discharge satisfactorily and at the same time live in this world. We are not required to attempt the impossible.

If it is wrong to produce anything which is helpful to the government in time of war then it is wrong to engage in farming at such a time. In fact logic would force one in such a time to refuse to engage in any constructive effort if it is wrong to do any work which helps the war effort.

On the other hand we do owe the government any service it might demand that does not involve personal participation in the act of war. We are in fact willing to produce anything needed by the government when it is engaged in carrying on war. We do not feel that doing so makes us responsible for war or the waging of war. We would not willingly engage in the production of any article used directly to cause death. That would be repugnant to our principles and mission in this world.

We cannot willingly be a part of army personnel under military command. To do so would be to put one's self voluntarily in the way of temptation. This we must not do.

Exhibit C

During World War II the first thirteen men who received their papers were with two exceptions put into class 4-E. One of these was classified 4-F. The other after first being put in 4-E was at his father's insistence reclassified in I-A. The case was appealed and although the young man was certified for 4-E by the F. B. I. and by the judge who acted for the Attorney-General of the United States in this district the appeal was rejected. Part of the difficulty was caused by our ignorance of the proper procedure and part by the antagonism inherent in our situation and by the fact that the father of the young man in question, Albert Price, was not a member of our church.

Albert in this difficult situation made his own decision and failed to appear for induction. He was convicted on this charge in Federal Court but due to the evidence of good faith in his request for 4-E classification his sentence was commuted to three years in the C.P.S. Camps.

Exhibit C

We had twelve men in the C.P.S. Camps for from two to four years and by the end of the war had fourteen there. We paid all expenses assessed against them amounting to around $6,000.00 in addition to providing them with all necessary money for personal expenditures. We also contributed to the fund for dependents of conscientious objectors who were left without support when the husband and father was inducted.

[fol. 98] The church here received the usual evidences of hostility for a few months such as painting our chapel yellow and threatening to harm us in various ways.

Our pastor, the Rev. J. R. Bradley received this time the personal attack when he was struck and knocked down as he went about his business in the downtown district. He was a man over eighty years old and had done nothing to provoke the attack. Nothing was done about it by ourselves or anyone else. For the last two years of World War II the position taken by the Sullivan Church in relation to war was seemingly accepted by all.

With the beginning of the 1950 draft of men between the ages of 19 and 26 years our men after submission of Form SSS150 were given a 4-E classification without question. I was asked to certify that all those asking such classification were members in good standing of the church here. This I did.

Without warning, a few weeks ago they were all put in Class 1-A. The only reason that has been given by any member of the board was given by J. A. Sabin, Secretary, during a speech made to the members of the senior class of the Sullivan Township High School.

He stated that about 25 conscientious objectors had been put in class I-A by the board for the purpose of delaying induction of 25 other young men. By this move the board hoped to gain a delay of a month or two for other draftees. In the meantime these conscientious objectors would report for their physicals and then appeal their classification to the appeal board and might make a further appeal to the President. The 1948 law, he said, gave conscientious objectors exemption but the new law might not do so, in which case they would be in line for induction. This was reported to us by members of the

senior class who heard the address and who are also members of the church. Since this report tallies with the facts as they are I presume it to be correct.

We have asked for a hearing before the local board in which we wish to put our cases on record.

With the rise to world stature of the anti-christian State Communist Russia we are presented again with our ancient enemy, the Deistic State. For just as the Caesars claimed power over both the loyalty and the worship of their subjects so also does Russian Communism, Lenin and Stalin, his prophet, are exalted and honored as dieties, not as men. The cruel tyranny exercised by such rulers over the minds and bodies of men equals that of the despots who ruled the ancient world.

The threat of Russia to Christendom is both physical and spiritual. In such a warfare we have a part. For it is [fol. 99] our province to fight against "the rulers of the darkness of this world," "against spiritualities and against powers of darkness". We carry the weapon that is effective against such an enemy, "the sword of the Spirit which is the word of God". And who can say that such weapons are ineffective when history records their victory over paganism entrenced in the imperial power of mighty Rome?

For truly the heathen power now appearing shall fight against Christ himself, for it is written, "He shall also stand up broken without hand." "Without hand" means by a power not human but divine. For spiritual evils can only be destroyed by spiritual powers.

Our faith is in this: that the Creator of all things is able to cast down any and all enemies of God and Christ. But whatever the result of the impending world conflict between Christendom and Russian Communism might be we have no other possible alternative. It is still our first obligation to obey the plain teachings of the gospel of Christ contained in his sermon on the mount. By doing this we will be fighting most powerfully and most effectively against the foe of Christendom. This is our faith.

[fol. 100] EXHIBIT A

Excerpts from "Commentary on Romans"

Par. 1

Rom. 13:1 "Let every soul be subject to the higher powers. For there is no power but of God: the powers that be are ordained of God."

(Comment) "The duty of Christians to be subject to the present existing civil governments is here plainly set forth. In fact, the duty of subjection is the only one that is enjoined upon them toward these governments; they owe them nothing further. And even this requirement has its limitations. The apostles laid down the principle that our duty to God was paramount to our duty to man. When therefore human authorities require us to disobey God, and we must choose between the two powers we must obey the paramount authority, and patiently take the consequences. The statement that "the powers that be are ordained of God," has not the full force that is usually ascribed to it. The fact that God instituted civil government among men is undeniable; but that he authorizes existing governments remains to be proven. I understand the scriptures to teach otherwise; that these governments exist because men will not recognize the rightful ruler, the Lord Jesus Christ. It is because they say, "we will not have this man to rule over us," that these governments are needed. But since they will not have Christ's rule, they must have some other authority to preserve order in the earth. But, objects some one, "Are not these governments ordained of God?" The Greek word "tetagmenai" here rendered "ordained", is from a verb signifying to arrange, station, set in order, etc. It is a military term from which our English word "tactics" is derived. The apostle simply asserts that human governments are arranged or set in order by God. God overrules in the governments of the world. Consequently, whatever governments exist, do so by His permission, and are according to His order or plan. He "guides the whirlwind and directs the storm", though He does not originate them".

Par. 2

Rom. 13:2 "Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation."

(Comment) "We are to understand from this that as God overrules in the governments of the world, we are to accept the present arrangement in human affairs as God's order or plan, and to submit to it without complaint. Governments may be oppressive or tyrannous, but Christians are forbidden to resist them, but are required to accept them as God's will toward them. To resist or oppose existing governments is to resist the order of God, and will involve men in condemnation. We may refuse obedience to demands requiring disobedience to God, but must meekly accept the results of such disobedience. But no Christian can innocently engage in any insurrection or rebellion against any form of government however oppressive it may be. It is not the Christians business to reform human governments, but to submit to them. That form of Christianity, therefore, which encourages men in rebellion or insurrection against any government must be a false religion. The government of the Roman Empire, under the Caesars was tyrannical and oppressive. [fol. 101] Some of those emperors were monsters of cruelty and lust, yet it was to this tyranny to which the apostle forbids resistance. If it was unlawful to resist a Tiberius or a Nero, whom would it be lawful to resist? It may be asked how human governments are to be improved under such conditions. They never will be improved, and it is not in God's plan that they should be. They are to prove a complete and disastrous failure."

Par. 3

Rom. 13:3 "For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same."

(Comment) "The general intention of governments is to restrain and punish evildoers; those who are lawabiding have nothing to fear. But it is impossible that any law

made by man should bear equally upon all those subject to it, and it may prove oppressive where there is no such intention. Laws which are for the general good may prove to be great evils in individual instances. But in general, if we do good, we need not fear the laws.

Par. 4

Rom: 13:4 "For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain; for he is the minister of God, a revenger to execute wrath upon him that doeth evil."

(Comment) "This was written of those pagan emperors who despised God and His religion. That they were God's ministers in any sense that would make Him responsible for their conduct it is preposterous to assert. Imagine the imperial fiddler as God's representative while Rome was burning, and the bodies of His people were being utilized as torches. Yet Nero was God's minister in the same sense as is any king or potentate who calls himself Christian. They reign not "by the grace of God," but simply by His permission. Nor is an elected ruler any more God's representative than one who rules by hereditary right. They are all His ministers, just the same as storms, earthquakes, and pestilences are. God uses them to accomplish His purposes as He did Pharaoh and Nebuchadnezzar.

[fol. 102]

Excerpts from "Christian Citizenship"

Par. 5, p. 46-48

"The Christian's only duty toward human governments is that of subjection. He is to render unto Caesar the things that are Caesar's. "Tribute to whom tribute, custom to whom custom, fear to whom fear, honor to whom honor." But this does not relieve him from the obligation of rendering unto God the things that be God's. In other words, Caesar has no authority to come in between him and his duty to God. As a rule, the requirements of human governments do not

conflict with duty toward God. Such governments are intended to be for "the punishment of evildoers, and for the praise of them that do well." But there are exceptional cases where it is otherwise. This may be intentional, but is usually unintentional. What must the Christian do under such circumstances? In cases where human authority requires what God forbids, or forbids what God commands? The answer is plain, God's law is the higher law, and its demands are the stronger. In Acts iv:19 we have the Apostle's answer: "But Peter and John answered and said unto them, Whether it is right in the sight of God to hearken unto you more than unto God, judge ye." It is universally recognized fact that God's authority is paramount; and Peter and John confidently appealed to the conscience of the judges in the matter. They believed it to be an undeniable fact that God must be obeyed rather than man, when there was a conflict of authority. So the Christian must do as these Apostles did and obey God, and meekly take the consequences of disobeying man."

Par. 6, p. 44-45

"Jesus says: "My kingdom is not of this world: if my kingdom were of this world then would my servants fight, that I should not be delivered to the Jews." John xviii:36. If it was not lawful for God's people to fight to establish Christ's rightful authority, how can it be lawful for them to fight to establish authority that usurps his right? I know that casuists pretend to distinguish between righteous and unrighteous wars, and insist that while it is unlawful for a Christian to fight in one, it is lawful for him to fight in the other. But what could be a more righteous war than one waged to establish Christ's authority? But Christians are forbidden to fight even then. I know that a false Christianity feels forced to find some justification for the Christians fighting, else their religion would not fit into the world system. But the incongruity of a man who professes to love all mankind, even his enemies, being engaged in trying to kill some of them, is too apparent to be explained away."

Par. 8, p. 275

The Christian, like his Master who prayed for the forgiveness of His murderers, realized that his persecutors know not what they do. He feels a pity for their blindness and malice, and feels kindly toward them whatever they may do. To be able to love our enemies is the test of Christianity. The publicans can love them who are their friends and benefactors. Only the man who has the love of God shed abroad in his heart can be kind to the unthankful and to the evil. He can bless them who curse him, and pray for those who persecute him; not pray at them as some do."

[fol. 103]

Excerpts from "Sermons on Familiar Subjects"

"The Christian's life is purposely one of conflict. God's people are not in this world simply to have a good time. While the religion of Christ gives men peace with God and peace in their hearts, it brings them into immediate antagonism with the system of things around them. In this respect, Christ came not to bring peace, but a sword. The child of God is in an enemy's land. He is in a world where the powers of darkness have control. He must fight if he would reign. But "we wrestle not against flesh and blood, but against principalities and powers, against the rulers of the darkness of this world; against wicked spirits in the heavenly places." With these he must try conclusions. Against these he must wrestle unceasingly. By these he will be continually assaulted. He can look for no relief from Satan's onslaughts, until probation ends."

"We must fight this good fight that we may lay hold on eternal life.

"By all hell's host withstood,
We all hell's host o'erthrow;
And conquering them through Jesus' blood
To further conquest go."

Jesus hath conquered hell. He hath vanquished Satan single handed, and through Him we may conquer also, but only through Him. We shall conquer our adversary only because "Greater is He that is in us than he that is in the world." Our one offensive weapon, the sword of the Spirit, the Word of God, is one that our enemy cannot withstand. It were foolhardiness to trust to any other. Wielding this weapon vigorously, and meanwhile covering ourselves with the broad shield of faith which is effectual in quenching every fiery dart of the enemy, we can surely march to victory. A bold resistance to Satan will always cause him to flee."

[fol. 104] EXHIBIT "B"

In the Sullivan Progress, a local weekly newspaper, in a copy that appeared on June 6, 1918 in an article entitled "A Little History and a Little Comment" an account is given on the attitude of the members following the shooting of one of my father's congregation during a religious meeting in his home in the early history of the church in this place:

Par. 9

"Although a number of the people (of the congregation) knew who fired the shot not one witness would testify before the grand jury. The circuit judge threatened punishment for contempt of court, but all to no purpose and there was no prosecution (of the would-be-murderer).

Par. 10

The zealous leader of the band lived the remainder of his life here and enjoyed the respect of everyone who made his personal acquaintance. His followers have lived quiet, peaceable, industrious lives. They do not vote or take part in public life although they always seem interested in political and public questions. They were never known to begin a law suit, but if attacked in court they will fee a lawyer and defend against the suit although none of them will testify in the case.

Sometimes one will hear their sincerity questioned but never by people who know them well. . . . Measured by all known rules such people must be pronounced sincere however mistaken we may think them to be.

In an article published a few days previous to Sept. 28th in the Decatur Herald and reprinted in the Sullivan Progress of Sept. 28, 1918 the people of the group known locally as Harshmanites were again the subjects. Excerpts follow:

Par. 12

". . . the Harshmanites, the sect whose members have submitted to every indignity and persecution for months past because of their alleged disloyalty.

Par. 13

Members have been assaulted in the street; bricks have been hurled at their homes and places of business; they have been hailed before the Federal Grand Jury all without resistance on their part.

Par. 14

Sullivan does not countenance the persecution of these people who in normal times would pass as model citizens.

Par. 15

It is with the purpose of finding out just what were the causes of complaints against the Harshmanites and what was the feeling of the people of Sullivan toward them that the Herald conducted its investigation. That investigation disclosed that the Harshmanites are simply Tolstoyan non-resistors, conscientious objectors to fighting or assisting in fighting but willing that their government should combat German autocracy and even upholding the government in its course. Their philosophy is unintelligible to any save those who take it literally the Biblical injunction to 'turn the other cheek'.

LOCAL BOARD NO. 177
Selective Service System
January 27, 1956
County Court House
Sullivan, Illinois

[fol. 105] GOVT'S EXHIBIT B, NO. 9

MEMORANDUM OF INFORMATION RECEIVED AT BOARD MEETING

To Be Filed in Cover Sheet of: (Registrant's Name) MALCOLM L. PARKER (SS Number) 11-177-37-39

Following is summary of information received at local board meeting held (Date) 9-21-56:

Time appeared: 8:47 P.M. Time dismissed: 9:05 P.M.

The registrant asked the local board if Mr. Thomas King could sit in with him during his personal appearance. The local board granted this permission. The registrant stated that he made his home with Mr. King.

Registrant stated that he requests the I-O classification due to his religious beliefs. That he cannot accept the I-A-O classification because it is against his religion to take an oath and does not consider the Armed Forces to be all "Christians" in which he remarked that he could not become a part of a military machine, even under the non-combatant authority, to his notion, and be a real "Christian". He further explained that he could not take orders, if told to shoot, because it would violate his religious principles. The local board explained that non-combatant service was one who would probably enter the medical core, become a cook, or a chaplain, in which one would not carry a gun. The registrant felt that his file fully covered his reasons that he requests the I-O classification and had no additional information.

Mr. King and the local board discussed in more detail the religion of their church in which affidavits are filed by their pastor in the registrant's cover-sheet. Mr. King stated that the registrant became a member of their church of his own free choice, daily living their principles and beliefs.

The local board felt that they were doing their best to acknowledge the registrant's religion, in all due respect, by giving him the I-A-O classification and that they had thoroughly and completely read all material in the regis-

trant's file. After careful consideration, they felt the registrant was not qualified for a I-O classification.

The above information was received from:

E. Ward Minor, local board secretary
Jonas A. Sexton, board member
Harris L. Bone, board member
Donald L. Wood, board member
Malcolm L. Parker, registrant
Mr. Thomas King, friend of registrant
(Name of registrant, dependent, board member, clerk or other person who provided the above information)

Signed: (Mrs) Dorothy H. Wood
(Signature of board clerk who prepared this Memorandum)

PM-1104

Meeting held at [illegible] were:

E. Ward Moore, Local Board [illegible]
James A. Taylor, Board member
Harris L. Bone, Board member
Donald L. Wood, Board member
Thomas King, Registrant-[illegible]
Malcolm L. [illegible], Reg. Local

SELECTIVE SERVICE SYSTEM
Selective Service System
OCT 8 1951
County Court House
Sullivan, Illinois

Time appeared: 8:45 P.M. To 9:05 P.M.
Date 9-21-51

Malcolm [illegible] registrant, asked if Mr. King could be present because C was under 21 year old. The board gave permission.

C. said that C could not accept the (1-A-O) classification, but would accept the (1-O) classification. My religion does not permit me to accept the (1-A-O) classification non-combatant service as a part of the armed forces where main purpose is to fight and kill, and you have to take an oath to get in, and I don't believe in that. Jesus told us to love our enemies and try to do them good. I do not think you would be doing so in the non combatant service which is a part of the army. C would not be serving Christian way if gave the order to shoot. I could not do so for it would violate my religious belief and principles.

C. said C [illegible] my folks covered every reason why C could not accept the (1-A-O) classification.

[illegible] were very complete.

GOVT'S EXHIBIT No. 12

[fol. 108] GOVT'S EXHIBIT B, No. 15

SELECTIVE SERVICE SYSTEM

INDIVIDUAL APPEAL RECORD

Serial No. [illegible]

PARKER Malcolm Robert
(Last) (First) (Middle)

Selective Service Number 11 177 32 39

Classified by local board in Class I-A-O until 19-

Date classified September 27, 1956

☒ Forwarded on appeal taken by Malcolm L. Parker, Registrant

Date forwarded to Appeal Board October 18 1957

[illegible]
Clerk of Local Board

APPEAL BOARD

MINUTES OF ACTION BY APPEAL BOARD DEC 12 1956

Appeal Board EASTERN DISTRICT for the State of [illegible]

(Street and number)

Classified in Class I-A-O until 19 by the following vote:

Yes 3 No 0

~~Date of mailing~~ DEC 13 1957
(Date of transmission to Appeal Board)

[illegible]
Member or Clerk of Appeal Board

INSTRUCTIONS: The local board will prepare this form in duplicate. The original will be stapled or otherwise securely fastened to the inside of the front cover of the Cover Sheet, SSS Form No. 101, of each file forwarded to Appeal Board, and the copy will be retained in the local board files in lieu of the Registrant's Cover Sheet and attached to the charge-out card.

SSS Form No. 100 [illegible] Selective Service Sys.

GOVT'S EXHIBIT
No. 6

DEC 18 1957

County Court House,
[illegible], Ill.

fol. 109 GOVT'S EXHIBIT B. No. 16

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

[Seal]

Address Reply to the
Division Indicated
and Refer to Initials and Number

June 25, 1957

Chairman, Appeal Board, Eastern
District of Illinois
Selective Service System
523 Plymouth Court
Chicago 5, Illinois.

Re: Malcolm Lebert Parker
Conscientious Objector

Dear Sir:

As required by section 6(j) of the Universal Military Training and Service Act, as amended, an inquiry was made by the Department of Justice in the above-mentioned case and an opportunity to be heard on his claim for exemption as a conscientious objector was given to the registrant by Mr. F. M. Brittingham, a Hearing Officer for the Department of Justice.

The information obtained from the inquiry and considered by the Department of Justice in arriving at its recommendation is contained in the Resume of the Inquiry attached hereto and made a part hereof.

Registrant is twenty years old and he quit Sullivan High School at the end of his sophomore year in 1954. His only employment, other than for Community Industries, (a company organized by the Harshmanites for the primary purpose of providing employment for members of that faith), has been for the Russell M. Harshman Concrete Company for several short periods in 1955 and 1956. Registrant's parents belong to the Church of Jesus Christ, otherwise known as the Harshmanite Church, and registrant was reared in and is a member of

that faith. He claims exemption from both combatant and noncombatant military training and service by reason of his religious training and beliefs.

[fol. 110] A Resume of the Inquiry reflects that neighbors, references, acquaintances, and religious associates unanimously advised that the registrant is of good character and reputation. The Pastor of the registrant's church advised that registrant is faithful in his attendance at church and conducts his life in accordance with the teachings of his faith.

Registrant appeared for his hearing accompanied by four witnesses. He told the Hearing Officer that his opposition to military service, like that of other members of his faith, is based largely upon the Commandment, "Thou shalt not kill," and in this respect he explained that Harshmatines believe only in passive resistance and would not kill even in self-defense. He continued that his objection is also based upon the Biblical injunction "Be not unequally yoked with unbelievers." As to this admonition, he explained that Harshmanites refuse to enter into partnerships or associations with persons not from their own denomination and for this reason do not marry outsiders nor enter into business partnerships with them inasmuch as they contend that such an association with unbelievers would make them responsible in some degree for the actions of such unbelievers which responsibility they refuse to accept. This refusal to associate with and be responsible for persons who are not Harshmanites is the justification for their opposition to noncombatant military training and service.

The registrant explained that although Community Industries does not manufacture munitions in the ordinary sense of the word they do manufacture other items for military consumption such as tents, WAC uniforms, candy for army rations and some sort of valve used on Naval vessels and other items. He said that it would not be considered immoral or a violation of their Christian duty to manufacture ammunition and that their reluctance to manufacture munitions is not a matter of religious beliefs but merely a matter of preference. The registrant con-

cluded by verifying that all of the above beliefs and opinions of the Harshmanites, in general, are also his own personal beliefs and opinions.

The Hearing Officer was impressed with the truthful and frank attitude of the registrant during the course of the hearing. He concluded that there is no doubt that the registrant is a sincere and conscientious member of his denomination and that he is by reason of religious training and belief conscientiously opposed to combatant train- [fol. 111] ing and service in the armed forces. He found, however, the distinction which the registrant attempts to draw between noncombatant participation in war as a civilian and similar noncombatant participation as a member of the armed forces is too tenuous for recognition. Consequently, he concluded that the registrant failed to sustain his claim with respect to noncombatant service. Accordingly, he recommended that registrant be granted a I-A-O classification.

The courts have consistently upheld the I-A-O classification for a registrant who has expressed willingness to do work in an industry supporting the war effort. See *Franks* v. *U.S.*, 216 F.2d 266; *Clark* v. *U.S.*, 217 F.2d 511, and *White* v. *U.S.*, 215 F.2d 782, cert denied, 348 U.S. 970.

That these views which the registrant has adopted are the views of his church constitutes no defense to the registrant. On this point the court in *U.S.* v. *Moore*, 217 F.2d 428, reversed on other grounds, 348 U.S. 966 stated:

> "Harshmanite doctrine attempts to rationalize the seeming inconsistency in the dual position which this church has taken toward wartime economy on considerations of responsibility. Thus the aloofness of the factory from the scene of combat is cited in support of the argument that the church merely manufactures products but does not accept the responsibility for their ultimate use since they are not directly involved in taking lives. It is not our function to evaluate this position. The weighing of the ultimate responsibilities arising out of the manufacture of

material for the armed forces on the one hand against those arising out of noncombatant service on the other, is a question for the Selective Service Agencies, not the courts. Thus defendant stated, 'We do not consider ourselves responsible for what is done with the finished products which we manufacture since it is not directly involved in taking lives.' The Presidential Board certainly could have concluded that the expressed objection extends only to direct involvement in taking lives and might have believed as does counsel for the government that 'Logic finds no more welcomed door to the I-A-O classification.' "

[fol. 112] The Department of Justice concludes that whereas the registrant has established his conscientious objection to combatant military training and service he has failed to sustain his claim with respect to noncombatant service. Accordingly, we recommend that registrant be granted a I-A-O classification.

The Selective Service Cover Sheet in the above case is returned herewith.

Sincerely,

/s/ T. Oscar Smith
T. OSCAR SMITH
Chief, Conscientious Objector Section

[fol. 113] Resumé of the Inquiry

Re: Malcolm Lebert Parker—
Conscientious-Objector Claimant

Registrant was born on April 30, 1937, and he quit Sullivan High School at the end of his sophomore year in 1954. There is no derogatory information contained in registrant's student personnel file. Former instructors advised that they knew of no derogatory information with respect to registrant's general reputation and added that he only associated with members of his religious group while at school.

Registrant was employed by the Russell M. Harshman Concrete Company for several short periods in 1955 and 1956. His employer described him as an active and conscientious member of the Harshmanite Church who practices according to the teachings of the church. He added that this employment was satisfactory and was to keep members of the Church of Jesus Christ employed during the temporary slack period at Community Industries which was an organization operated by the Church of Jesus Christ. Registrant was employed on a part-time basis by Community Industries between July 1952 and May 1954, at which time he began full-time employment. He has been employed since that time with the exception of short periods of time in 1955 when there was a temporary curtailment in employees due to a work shortage. Registrant is considered an excellent employee.

Neighbors advised that registrant is of good character, that he is faithful in his attendance at church and that insofar as they know he is sincere and lives according to the teachings of the Church of Jesus Christ.

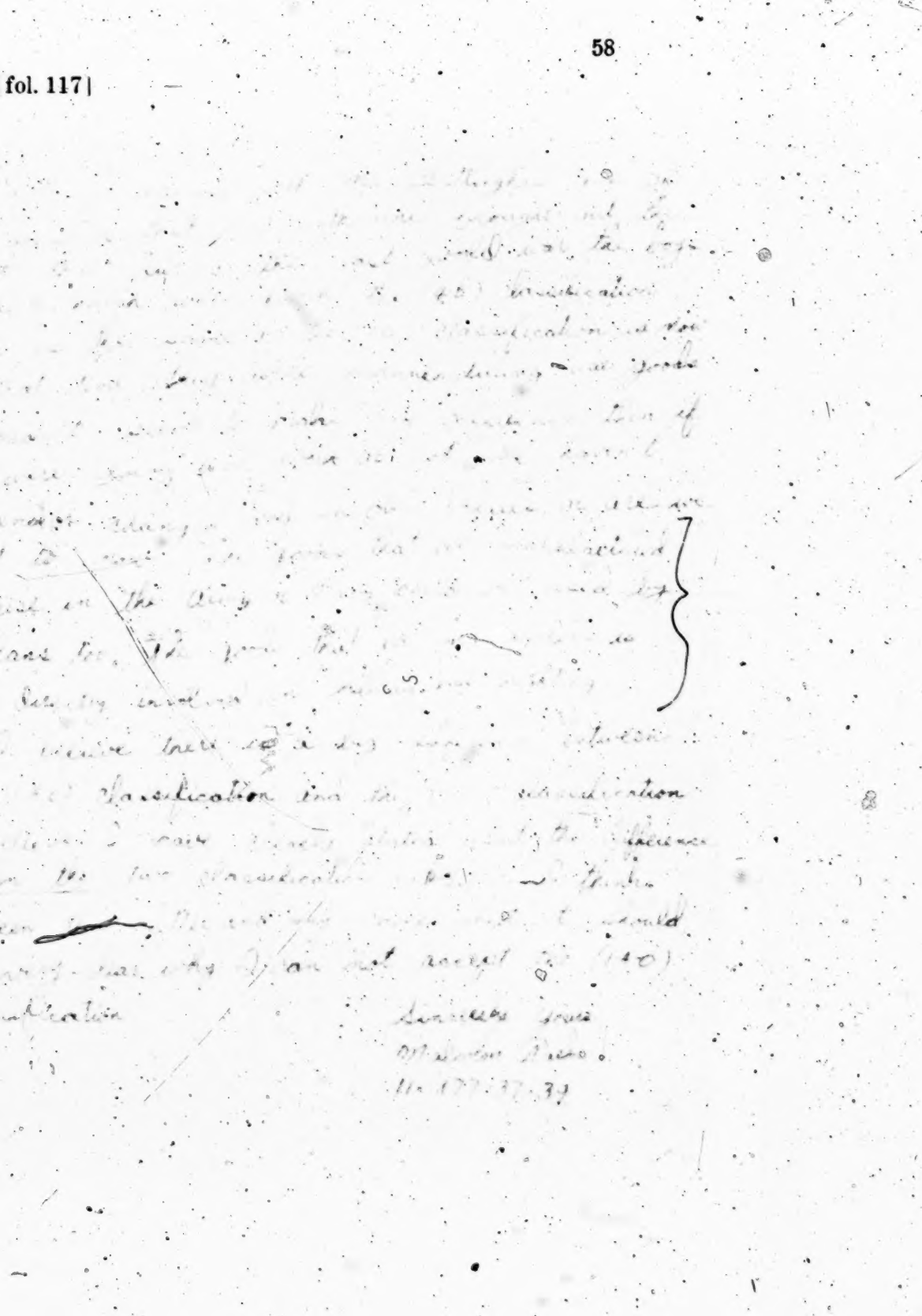
A reference advised that registrant was raised in the Church of Jesus Christ; that he has been faithful in his attendance at church services; and that he would recommend him as being sincere in his beliefs regarding the teachings of his church. Another reference who is a religious associate advised that he could only give registrant the highest recommendation as to being conscientious in his beliefs of the church.

fol. 114 The pastor of the Church of Jesus Christ said that registrant was raised in that church and is presently a member in good standing and faithfully attends services twice a week and takes part in them. She stated that the basic beliefs and history of the Church of Jesus Christ have been set forth in a booklet she has prepared and a copy of which has been furnished to the local board for inclusion in each registrant's file who is a member of the church. She is positive that registrant is sincere and conscientious in his beliefs.

Credit and crmainal records with respect to the registrant are negative. Registrant's parents maintain an excellent credit rating.

Prepared: April 22, 1957

fol. 117|



[fol. 118] GOVT'S EXHIBIT B. No. 24

ILLINOIS STATE HEADQUARTERS
SELECTIVE SERVICE SYSTEM
405 E. Washington Street
SPRINGFIELD, ILLINOIS

6 June 1960

[SEAL]

Please Refer to File
In Reply
FBW:gs

PARKER, Malcolm Lebert
11-177-37-5

Local Board No. 177
Selective Service System
County Court House
Sullivan, Illinois

Gentlemen:

The cover sheet of the above-named registrant has been reviewed and is returned herewith. Please acknowledge receipt by signing and returning the attached copy of this letter.

It is noted that the registrant was classified in Class I-A-O by the appeal board on 13 December 1957 by a vote of 3 to 0. He was subsequently ordered for physical examination and was found acceptable for service on 27 January 1960.

The registrant's classification was reopened and considered anew by the local board on 11 May 1960. The local board retained him in Class I-A-O, mailing SSS Form No. 110 to him on 12 May 1960. This action gave him the right to request another personal appearance before the local board and another appeal of his classification but no request for a personal appearance or an appeal was received by the local board.

In our opinion the case has been properly handled, the registrant has been granted all legal rights, and he should now be ordered for induction in his regular turn.

Sincerely yours,

FOR THE STATE DIRECTOR

/s/ F. B. Woodworth
F. B. WOODWORTH
Lt. Colonel, USAF
Deputy State Director

Enclosure

[fol. 119] GOVT'S EXHIBIT B, No. 26

IF YOU WEAR GLASSES, PLEASE BRING A COPY OF YOUR EYEGLASS PRESCRIPTION.

Approval Not Required

SELECTIVE SERVICE SYSTEM

ORDER TO REPORT FOR INDUCTION

LOCAL BOARD NO. 177
SELECTIVE SERVICE SYSTEM
[illegible] ILL.
(Local Board Stamp)

AUG 11 1950
(Date of mailing)

The President of the United States,

To MALCOLM (First name) LEIBERT (Middle name or initial) PARKER (Last name) 11 177 37 39 (Selective Service Number)

Mailing address R. R. #4, Elm Springs Park (Number and street or R. F. D. route)

Sullivan (City, town, or village) Moultrie (Zone) (County) Illinois (State)

GREETING:

You are hereby ordered for induction into the Armed Forces of the United States, and to report

at West-side entrance to County Court House, Sullivan, Ill. Bus will be waiting to drive you (Place of reporting) to train at Mattoon where you will depart for Chicago. (Daylight S. Time)

at 7:15 (Hour of reporting) a.m., on the 14th (Day) of September (Month) 19 50,

for forwarding to an armed forces induction station.

GOVT'S EXHIBIT E No. 26

(Member or clerk of Local Board) (Mrs.) Helen P. Kenney, Clerk

IMPORTANT NOTICE

If you have had previous military service, bring your service records with you. If you wear glasses, bring them with you. Bring proof of your relationship of the person you claim as a dependent if you intend to apply for dependency benefits.

This Local Board will furnish transportation to the induction station where you will be examined, and, if accepted for service, you will then be inducted into a branch of the Armed Forces. If you are not accepted, return transportation will be provided.

Persons reporting to the induction station in some instances are found to have developed disqualifying defects since being examined and may be rejected for these or other reasons. It is well to keep this in mind in arranging your affairs, to prevent any undue hardship if you are rejected at the induction station. If you are employed, you should advise your employer of this notice and of the possibility that you may not be accepted at the induction station. Your employer can then be prepared to replace you if you are accepted, or to continue your employment if you are rejected.

Willful failure to report promptly at the place specified above and at the hour and on the day named in this Order is a violation of the Universal Military Training and Service Act, as amended, and subjects the violator to fine and imprisonment. You must keep this form and bring it with you when you report for induction. Bring with you sufficient clothing for 5 days.

If you are so far away from your own Local Board that reporting in compliance with this Order will be a serious hardship and you desire to report to a Local Board in the area in which you are now located, go immediately to that Local Board and make written request for transfer of your delivery for induction, taking this Order with you.

SSS Form No. 252 (Revised 6-25-50) (Supplies of previous printings shall be used until exhausted) [illegible]

[fol. 120] GOVT'S EXHIBIT B, No. 28

ARMED FORCES INDUCTION STATION
615 West Van Buren Street
CHICAGO 7, ILLINOIS

15 September 1960

U. S. District Attorney
219 South Clark Street
Chicago, Illinois

Dear Sir:

In compliance with paragraph 40c(2), AR 601-270, Department of the Army dated 11 March 1960, the name and circumstances surrounding the refusal of MALCOLM LEBERT PARKER, RR #4, Elim Springs Park, Sullivan, Illinois, Selective Service Number 14 177 37 39, who refused to submit to induction into the Armed Forces of the United States is hereby submitted:

MALCOLM LEBERT PARKER, was ordered to report for induction into the Armed Forces of the United States on Wednesday 14 September 1960 by Selective Service, Local Board No. 177, whose address is County Court House, Sullivan, Illinois. Mr. Parker refused induction on the grounds that he is a "Conscientious Objector" and stated his religious belief "Harshmanite" will not permit him to be inducted. Mr. Parker was asked to make a signed statement in his own hand writing confirming his refusal to submit to induction which he declined to do. It was explained to the registrant that his refusal to submit to induction would constitute a felony under the provisions of Selective Service Regulations, and he was informed that a conviction of such a nature would subject him to punishment of either five (5) years of imprisonment and or a fine of not more than $10,000.00 or both. Capt Walter H. Schuttler, 1st Lt Ephraim J. Burrow, Arty and Sgt Stanley Wojnarowski, RA 16278740 were witnesses to the registrants refusal to submit to induction.

This matter is being referred to your office for the necessary action.

Very truly yours,

/s/ W. H. Schuttler
W. H. SCHUTTLER
Capt, AGC
Deputy CO for Induction

cc: State Director
Local Board

Sep. 16, 8:58 AM, '60
United States Attorney
Northern District
Chicago, Illinois

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